



**HASBANI &
LIGHT, P.C.**

ATTORNEYS AT LAW

450 Seventh Ave
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December 8, 2020

Via ECF

Judge Eric Komitee
United States District Court,
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

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RE: Request for Adjournment

Dear Hon. Judge Komitee:

We are counsel for Laurent Elie Scemama, Arielle Scemama, Simon Elkouby, BK Advisory Ltd., Valerie Rebbouh and Eryck Rebbouh (collectively the “Proposed Intervenors”). Proposed Intervenors seek an adjournment of the December 11, 2020 hearing on the Temporary Restraining Order (“TRO”) and an enlargement of time to respond to the Order to Show Cause seeking a TRO. We respectfully request that the hearing be held on December 24, 2020, or a date convenient for the Court. In addition, we request that the deadline to respond to the Order to Show Cause and TRO be extended through December 22, 2020.

Proposed Intervenors are lenders that wired over three and a half million dollars to Defendant McKarkien Capital LLC after being promised a mortgage against the properties at issue in this case. Mortgages were never signed by the Defendants and recorded, as promised, against the properties.

This request is being submitted because the parties, including Proposed Intervenors, are negotiating a settlement which would result in a resolution of the TRO. Further, if a resolution is not reached, additional time is needed to gather documentation that is responsive to the TRO and a motion will be made to intervene in the action. A motion to intervene will be necessary so that Proposed Intervenors can be heard since Plaintiff’s claims may impair Proposed Intervenors’ interests and no one in the case is adequately representing Proposed Intervenors’ interests. *See, i.e., Butler, Fitzgerald & Potter v. Sequa Corp.*, 250 F.3d 171 (2d Circ. 2001) (holding that a motion to intervene pursuant to Rule 24 should be granted when the motion is (1) timely; (2) where the proposed intervenors claim an interest in the action; (3) the proposed intervenors be so situated that without intervention, the disposition of the

action may impair intervenors' interests; and (4) the interests of proposed intervenors are not already adequately represented by existing parties).

Thank you for your time and consideration in this matter.

Sincerely,

/s/Danielle P. Light
Danielle P. Light